

REMARKS

This is in response to the Final Action mailed on May 21, 2004.

Reconsideration of this application is respectfully requested.

Form PTO-1449

An initialed copy of the Form PTO-1449 submitted with the Information Disclosure Statement filed on July 9, 2003, was not returned with the Final Action mailed on May 21, 2004, even though Applicants requested consideration of the items listed on the Form PTO-1449 in the Response and Amendment filed on February 26, 2004. A copy of the Form PTO-1449 and its stamped post card receipt are submitted herewith for the Examiner's convenience. Applicants request that the Examiner initial the listed references on the Form PTO-1449 and provide a copy thereof with the next office correspondence.

Claim Rejections

1. The Final Action rejected Claims 1, 10-13, 18-20, 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4681566 to Fenton Jr. et al. ("the Fenton patent"). This rejection is respectfully traversed.

Claim 1, as amended, substantially includes the limitations of original claims 10 and 11 and specifies a support frame consisting of two slots located substantially perpendicular to each other. This is exemplified in Figure 5b. The first slot is rotatably connected to the lever arm via a first pin positioned intermediate between the forward end and the rearward end of the lever arm. The first pin travels through the first slot during rotation of the lever arm. The second slot is likewise connected to the lever arm

via a second pin at a position forward of the position of the first pin. The second pin travels through the second slot during rotation of the second arm. Assuming that patentable weight has not been given to the preamble limitations present in Claim 1, the body limitations of Claim 1 now clearly define over the Fenton patent.

Figure 6 of the Fenton patent shows two slots [56a, 57a] situated linearly horizontal from each other. Thus, the Fenton patent does not disclose or suggest that slots used for rotatable movement are positioned substantially perpendicular to each other as would be required to anticipate amended Claim 1. Rather, the slots used for similar movement are linearly horizontal from each other.

Turning to Claim 18, Applicants submit that the Office Action does not disclose separate injector and syringe loader devices to which a syringe can be attached. In failing to indicate any structure in the Fenton patent to support the stated rejection, a *prima facie* anticipation case has not been proffered in the Office Action.

For at least the above reason, Applicants submit that the Fenton patent does not disclose each and every element or limitation of Claims 1, 10-13, 18-20, and 22, and that the rejection based thereon should be withdrawn.

2. The Final Action rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4465474 to Mardorf et al. This rejection is respectfully traversed, as it is moot in light of the current amendments to Claim 1.

3. The Final Action rejected Claim 1 under 35 U.S.C. § 102(b) as being

anticipated by U.S. Patent No. 5830194 to Anwar et al. This rejection is respectfully traversed, as it is moot in light of the current amendments to Claim 1.

4. The Final Action rejected Claims 1 and 10-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 550727 to Crainich ("the Crainich patent"). This rejection is respectfully traversed.

The Crainich patent teaches a drive member linked to a lever arm acted on by a trigger (48). The lever arm has one or more holes that may be used for attachment to the other elements of the substantially L shaped lever structure. These holes serve as pivot points for the lever structure 46 to positively engage and disengage half nut 32 with rod 22. Additionally, trigger 48 has pins 58 for pivotable connection to levers 46. (figure 2-8).

Claim 1, as amended, substantially includes the limitations of original claims 10 and 11 and specifies a support frame consisting of two slots (630 and 634) located substantially perpendicular to each other. During rotatable movement of the lever arm, pins 660 and 670 ride within slots 630 and 634 respectively.

Thus the Crainich patent does not disclose substantially perpendicular slots used in the rotation of the lever arm as would be required to anticipate amended Claim 1. Rather the Crainich patent teaches pivot points, not substantially perpendicular slots, used during rotatable movement of the lever arm.

For at least the above reasons, Applicants submit that the Crainich patent does not disclose each and every element or limitation of amended Claim 1 and that the rejection based thereon should be withdrawn.

5. The Final Action rejected claim 18, 20 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6048334 to Hirschman et al. or U.S. Patent No. 6090064 to Reilly et al. This rejection is respectfully traversed, as it is moot in light of the current amendments to Claim 18.

6. The Final Action rejected claims 18-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 4838587 to Strowe et al (the Strowe patent). This rejection is respectfully traversed.

Claim 18, as amended, specifies a system wherein the syringe loader is operable independent of the power injector. Applicants submit that the unsupported rejection based upon the Strowe patent does not rise to the level of a *prima facie* showing of anticipation, and that the rejection should therefore be withdrawn.

The Strowe patent discloses at col. 4, line 52, that

FIGS. 2 and 3 further illustrate the inclusion of the electrical components 61 which cooperate with driver assembly 45, as well as the panel-mounted controls, indicators and display, to render the present infusion device operable.

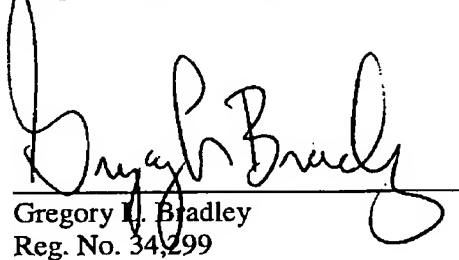
The language of the Strowe patent suggests that it is necessary to use the panel-mounted controls to operate the driver. The Strowe patent does not further indicate any alternative operating capabilities, which would suggest that the syringe loader could operate independent of the power injector. Thus the Strowe patent does not disclose or suggest that the syringe loader is capable of operation independent of the power injector.

For at least the above reasons, Applicants submit that the Strowe patent does not disclose each and every element or limitation of Claim 18, and that the rejection should therefore be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the application is now in condition for allowance. Reconsideration of this application is respectfully requested.

Respectfully submitted,



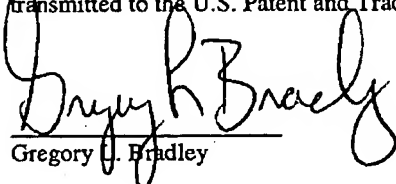
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306) on July 13, 2004.



Gregory J. Bradley